

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

UNKNOWN PARTY,

Plaintiff,

v.

GOOGLE LLC, YOUTUBE LLC,
JAMES JACKSON, also known online as
“ONISION,” and LUCAS JACKSON,
formerly known online as
“LAINEYBOT,” “LAINEY” and “KAI,”

Defendants.

CASE NO.: 1:23-cv-00223

HON. HALA Y. JARBOU

**DEFENDANT JAMES JACKSON'S AND DEFENDANT LUCAS JACKSON'S
RESPONSE TO ORDER TO SHOW CAUSE**

NOW COMES Defendants James Jackson and Lucas Jackson (hereafter collectively, “the Jackson Defendants”) and do hereby respectfully file this response to the order to show cause issued on April 3, 2023 and so state:

On March 31, 2023, the undersigned counsel for the Jackson Defendants (hereafter, “Defendants’ counsel”) filed the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2); (b)(3); (b)(5); or in the Alternate, To Dismiss or Transfer Pursuant to 28 USCA §1404(a) at 2:56pm. On Saturday, April 1, 2023, Plaintiff’s counsel emailed Defendant’s counsel at 11:58pm (around midnight) and advised that Defendants’ counsel had erroneously filed unredacted copies of the NDA to the pleadings as Exhibit B, and further informed Defendants’ counsel of the March 30, 2023 protective order issued by this Court.

Defendants’ counsel responded on Sunday, April 2, 2023 at 12:21pm, and asked Plaintiff’s counsel if she would sign a stipulation to seal Exhibit B from the public record. Plaintiff’s counsel responded at 2:09pm on April 2, 2023 and said she would agree to sign

a stipulation to seal Exhibit B from the public record. See **Exhibit A-Emails between counsel dated April 1, 2023 and April 2, 2023.**

On April 2, 2023, the Plaintiff's counsel contacted Defendants' counsel via cell phone at 2:27pm. The attorneys discussed if a stipulation to seal the exhibit was "sufficient." Both attorneys agreed that that Defendants' counsel should instead *refile* the pleadings and with the correct, redacted copy of Exhibit B. The Defendants' counsel went into her law office around 3:30pm to fix the situation. While the Defendants' counsel was researching the court rules and PACER information to determine "how to correct" an inadvertent filing, Defendants' counsel's computer was set to "update" itself at 4:00pm. The update took several hours and locked her out of the computer. As soon as the computer was finished updating, which was around 6:45pm, the Defendants' counsel logged into her computer. At 6:51pm, Defendants' counsel filed the pleadings with the redacted Exhibit B attached, as she had discussed with Plaintiff's counsel. At 7:20pm, the Defendants' counsel then emailed the clerk and Judge with courtesy copies of the pleadings and notifying them of the situation.

Defendants' counsel admits that the filing of the unredacted Exhibit B was inadvertent and it was not intentionally filed in any way. Defendants' counsel was not aware that she had attached the wrong Exhibit B until Plaintiff's counsel's emailed her on April 1 around midnight. Thereafter, Defendant's counsel indeed undertook immediate actions under the circumstances to remedy the error including coming into the office on Sunday evening, April 2, 2023.

WHEREFORE, Defendants request that this Court discharge the Order to Show Cause and further request the Court's understanding of this inadvertent filing and that Defendants' counsel indeed acted as expeditiously as possible to remedy this issue.

Respectfully submitted,

Dated: April 3, 2023

Bolhouse, Hofstee & McLean, P.C.

By: /s/ Michelle M. McLean
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